

REMARKS

The Examiner has issued a Restriction Requirement under 35 USC 121.

It is asserted that the pending claims form six groups of inventions which are independent and distinct and a serious search and examination burden would be presented if restriction were not required. In the interests of advancing prosecution, Applicants elect Group I and further elect the compound of claim 2, wherein A is 3-fluorophenyl, R<sup>1</sup> is H, R<sup>2</sup> is H, R<sup>5</sup> is C(O)OR<sup>55</sup>, wherein R<sup>55</sup> is H, R<sup>8</sup> is H, R<sup>9</sup> is OR<sup>43</sup>, wherein R<sup>43</sup> is C<sub>1</sub>-C<sub>6</sub> alkyl and R<sup>10</sup> is H.

No fee has been calculated to be due in regard to responding to the Restriction Requirement. However, if any fee is due for entry of these papers, please charge the fee(s) to Deposit Account No. 13-2755 as a large entity.

If contacting the undersigned telephonically might expedite matters concerning the above-referenced case, the Examiner is invited to do so.

Respectfully submitted,

/Heidi M. Struse, Reg. #50288/  
Heidi M. Struse

Heidi M. Struse  
Reg. No. 50,288  
Attorney for Applicant

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-0238

Date: March 27, 2009